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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jose V. Saavedra

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02/09/2009

WHYTE HIRSCHBOECK DUDEK S.C./DOW

Intellectual Property Department

555 East Wells Street, Suite 1900

Milwaukee, WI 53202

EXAMINER

KRUER, KEVIN R

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

02/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

Applicant's arguments filed January 16, 2009 have been fully considered but are not persuasive.

With respect to the rejection of claims 1, 3-16, 20-22 and 25-29 as being anticipated by Tau (US 2001/0046606), Applicant argues the claimed invention is distinguished from said reference due to the presence of a metallocene catalyzed homogeneously branched polyethylene in the Tau skin layer. Said argument is not persuasive because (a) the presence of homogeneously branched polyethylene is optional; said polymer **OR** a substantially linear polyethylene must be present. Thus, the closest embodiment of the prior art is devoid of homogeneously branched polyethylene. Furthermore, the argument is not persuasive because (b) the homogeneously branched polyethylene, if present, need not be catalyzed by a CGC; it can be catalyzed with a Ziegler Natta catalyst (054). The examiner further finds the argument not to be persuasive because (c) applicant has failed to demonstrate that a homogeneously branched polyethylene catalyzed with a CGC is different than a homogeneously branched polyethylene catalyzed with a Ziegler Natta catalyst.

With respect to the rejection of claims 1, 8-16, 20-22 and 25-29 as being anticipated by Nelson, Applicant argues the film of Nelson is cast-not blown. The examiner respectfully disagrees with applicant's reading of the reference. Specifically, Nelson teaches the film may be blown (col 9, lines 54+).

With respect to Banaszak, Applicant argues the IPN resin is not the same as the resin used to make the IPN resin. Said argument has been considered but is not

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persuasive because applicant fails to provide evidence to support said conclusion.

While the resulting IPN may exhibit properties distinct from parent constituents,

Applicant has failed to demonstrate the IPN does not "comprise" the polymers which are blended to make it.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN R. KRUER whose telephone number is (571)272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin R Krueer/
Primary Examiner, Art Unit 1794